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C O N F I D E N T I A L SECTION 01 OF 02 PARIS 003709

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E.O. 12958: DECL: 09/07/2017

TAGS: PREL PGOV ICJ DJ FR

SUBJECT: DJIBOUTI: NEW DEVELOPMENTS IN BORREL CASE

REF: PARIS 3147

Classified By: Political Minister-Counselor Josiah Rosenblatt, 1.4 (b/d).

¶1. (C) SUMMARY: MFA DAS-equivalent for East/Central Africa Helene Le Gal told us on September 5 that a court in Versailles had issued warrants against Djibouti's chief prosecutor Djama Souleiman and secret service chief Hassan Said, for allegedly suborning the testimony of a witness involved in the investigation of French magistrate Bernard Borrel's death in Djibouti in 1995. Presidential Advisor for Africa Bruno Joubert, in a separate August 30 conversation, admitted that President Sarkozy had received Borrel's widow against Joubert's own recommendation. Mrs. Borrel, herself a judge, has long maintained that her husband was the victim of foul play and has accused the previous French administration of protecting Djiboutian authorities. Joubert reiterated his conviction that a disinterested inquiry would completely exonerate the GOF, and he suggested that Mrs. Borrel and other investigative judges were blocking transfer of the case files to Djibouti because they knew the lack of documentary evidence in the files would undermine their accusations. While Joubert did not exclude the possibility of a gang-style hit, he appeared to favor the earlier finding of suicide.

END SUMMARY.

¶2. (C) In a September 5 meeting, MFA DAS-equivalent for East/Central Africa Helene Le Gal discussed recent developments concerning Djibouti and the 1995 death of French magistrate Bernard Borrel (reftel). We noted a spate of recent press reports indicating that a French court in Versailles was taking legal action against Djibouti's chief prosecutor Djama Souleiman and its secret police chief Hassan Said. Le Gal confirmed these press reports and explained that they were yet another off-shoot of the inquiry into the death of French magistrate Bernard Borrel in 1995 and the recent ruling by French judicial authorities that Borrel's death was indeed a result of foul play and not a suicide (a ruling that was issued the same day that Mrs. Borrel met with President Sarkozy soon after he assumed office, with the new president expressing support and sympathy for Mrs. Borrel's efforts).

¶3. (C) Le Gal explained that the two Djiboutians had originally been subpoenaed as witnesses as part of Mrs. Borrel's legal efforts in France to reverse the original finding of suicide. In the present case, however, Djama Souleiman and Hassan Said were accused of having sought to suborn the testimony of Mohamed Saleh Alhoumekani (in exile in Belgium) who has alleged that in 1996 he overheard others saying that President Guelleh (who was not then president) was involved in ordering Borrel's murder. Le Gal (as has the press) speculated that it was unlikely that the two Djiboutians would voluntarily appear before a French court, in either the case where they had been called as witnesses or

in the new case in which they are accused of witness tampering.

¶14. (C) Le Gal noted that the Borrel case was moving in several directions, each involving a separate legal action: 1) Mrs. Borrel's original suit to overturn the suicide ruling and to investigate her husband's death; 2) Mrs. Borrel's suit against the MFA and other parts of the GOF for allegedly trying to interfere with the investigation by, for example, improperly promising to provide French case files to Djibouti; and 3) the new action against Djama Souleiman and Hassan Said.

¶15. (C) We discussed the Borrel case briefly on August 30 with Presidential Advisor on Africa Bruno Joubert, who had been Jean de Gliniasty's predecessor as AF A/S-equivalent at the MFA and was thus fully versed in the chronology of the Borrel case. Joubert maintained the view that Borrel's death was likely a suicide. He confided that he along with other advisors counseled against Sarkozy's meeting with Mrs. Borrel, which set the stage for the GOF's change of position on Borrel's death. Joubert admitted, however, that in retrospect Sarkozy's decision to meet with her, thus demonstrating transparency and sympathy, had been the right one. Joubert regretted that the legal twists and turns in the case (largely as a result of Mrs. Borrel's relentless pursuit and media campaign) had prevented France from doing what would be in France's best interest -- namely, transferring the case files to Djibouti. These files, he asserted, contained little that would indicate French governmental -- and, possibly by extension, Djiboutian (?) -- complicity in Borrel's death. Joubert thought that Mrs. Borrel and her supporters, including other magistrates, were opposing release of the files to Djibouti because they knew

PARIS 00003709 002 OF 002

that the files contained little evidence that would help substantiate their claims and that they could instead likely undermine them.

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